



DANIELS & DANIELS, P.A.

August 20, 2001

#2  
**RECEIVED**

**OCT 04 2001**

Assistant Commissioner for Patents  
BOX PATENT APPLICATION  
Washington, D.C. 20231

**OFFICE OF PETITIONS  
DEPUTY A/C PATENTS**

RE: U.S. Application for CAPACITY SCALING AND FUNCTIONAL ELEMENT  
REDISTRIBUTION WITHIN AN IN-BUILDING COAX CABLE INTERNET  
ACCESS SYSTEM

Based on U.S. Provisional Application Serial No. 60/226,505 filed August 21, 2000  
Docket No. 0960-020

**Petition to Accept Declaration without Signature of Deceased Inventor**

Dear Sir:

Please accept the attached "Declaration (37 CFR 1.63) for Utility or Design Application using an Application Data Sheet (37 CFR 1.76)" (Form PTO/SB/01A) that is unsigned by John B. Terry who died recently. It is uncertain when Mr. Terry's estate will be sent to probate court and as such, the undersigned requests acceptance of the attached Declaration.

The remaining inventor, Mr. Jeffrey A. Hales has signed the "Declaration (37 CFR 1.63) for Utility or Design Application using an Application Data Sheet (37 CFR 1.76)" and a facsimile copy is included in the filing.

Please contact the undersigned should you have any questions.

Sincerely

Kevin E. Flynn  
Reg. No. 37,325

Enclosures

F:\CL\0960-020\As filed\Petition.doc

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2001</h2> <p style="margin: 5px 0;"><i>Patent fees are subject to annual revision.</i></p>		<p><b>Complete if Known</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td style="width: 50%;">Not Assigned</td> </tr> <tr> <td>Filing Date</td> <td>Herewith</td> </tr> <tr> <td>First Named Inventor</td> <td>Terry et al.</td> </tr> <tr> <td>Examiner Name</td> <td>N/A</td> </tr> <tr> <td>Group/Art Unit</td> <td>N/A</td> </tr> <tr> <td>Attorney Docket No.</td> <td>0960-020</td> </tr> </table>		Application Number	Not Assigned	Filing Date	Herewith	First Named Inventor	Terry et al.	Examiner Name	N/A	Group/Art Unit	N/A	Attorney Docket No.	0960-020
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Examiner Name	N/A														
Group/Art Unit	N/A														
Attorney Docket No.	0960-020														
TOTAL AMOUNT OF PAYMENT	(\$ ) 355.00	<div style="display: flex; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: small; margin-right: 5px;"> 1017 U.S. PTO 09/933923 08/20/01 </div> </div>													

<p><b>METHOD OF PAYMENT (check one)</b></p> <p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number: <span style="border: 1px solid black; display: inline-block; width: 200px; height: 20px;"></span></p> <p>Deposit Account Name: <span style="border: 1px solid black; display: inline-block; width: 200px; height: 20px;"></span></p> <p><input checked="" type="checkbox"/> Applicant Claims Small Entity Status Charge Any Additional Fee Required <input type="checkbox"/> Under 37 CFR 1.16 and 1.17</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Check    <input type="checkbox"/> Money Order    <input type="checkbox"/> Other</p> <p style="text-align: center;"><b>FEE CALCULATION</b></p> <p><b>1. BASIC FILING FEE</b></p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>101</td> <td>710</td> <td>201</td> <td>355</td> <td>Utility filing fee</td> <td>355.00</td> </tr> <tr> <td>106</td> <td>320</td> <td>206</td> <td>160</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>107</td> <td>490</td> <td>207</td> <td>245</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>108</td> <td>710</td> <td>208</td> <td>355</td> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>114</td> <td>150</td> <td>214</td> <td>75</td> <td>Provisional filing fee</td> <td></td> </tr> <tr> <td colspan="5" style="text-align: right;"><b>SUBTOTAL (1)</b></td> <td><b>(\$ ) 355.00</b></td> </tr> </tbody> </table> <p><b>2. EXTRA CLAIM FEES</b></p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>103</td> <td>18</td> <td>203</td> <td>9</td> <td>Claims in excess of 20</td> <td></td> </tr> <tr> <td>102</td> <td>80</td> <td>202</td> <td>40</td> <td>Independent claims in excess of 3</td> <td></td> </tr> <tr> <td>104</td> <td>270</td> <td>204</td> <td>135</td> <td>Multiple dependent claim, if not paid</td> <td></td> </tr> <tr> <td>109</td> <td>80</td> <td>209</td> <td>40</td> <td>**Reissue independent claims over original patent</td> <td></td> </tr> <tr> <td>110</td> <td>18</td> <td>210</td> <td>9</td> <td>**Reissue claims in excess of 20 and over original patent</td> <td></td> </tr> <tr> <td colspan="5" style="text-align: right;"><b>SUBTOTAL (2)</b></td> <td><b>(\$ ) 0.00</b></td> </tr> </tbody> </table>	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	101	710	201	355	Utility filing fee	355.00	106	320	206	160	Design filing fee		107	490	207	245	Plant filing fee		108	710	208	355	Reissue filing fee		114	150	214	75	Provisional filing fee		<b>SUBTOTAL (1)</b>					<b>(\$ ) 355.00</b>	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	103	18	203	9	Claims in excess of 20		102	80	202	40	Independent claims in excess of 3		104	270	204	135	Multiple dependent claim, if not paid		109	80	209	40	**Reissue independent claims over original patent		110	18	210	9	**Reissue claims in excess of 20 and over original patent		<b>SUBTOTAL (2)</b>					<b>(\$ ) 0.00</b>	<p><b>3. 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<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Name (Print/Type)	Kevin E. Flynn	Registration No. (Attorney/Agent)	37,325
Signature		Telephone	(919) 544 5444
		Date	August 20, 2001

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant commissioner for Patents, Washington, DC 20231.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JUNE 12, 2001

PTAS

DANIELS & DANIELS, P.A.  
KEVIN E. FLYNN  
P.O. DRAWER 12218  
RESEARCH TRIANGLE PARK, NC 27709



\*101659823A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/26/2001

REEL/FRAME: 011652/0360  
NUMBER OF PAGES: 8

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

TERRY, JOHN B.

DOC DATE: 03/02/2001

ASSIGNOR:

JT LABORATORIES LLC, A GEORGIA  
LIMITED LIABILITY COMPANY

DOC DATE: 03/02/2001

ASSIGNOR:

JT INNOVAITONS, LLC, A GEORGIA  
LIMITED LIABILITY COMPANY

DOC DATE: 03/02/2001

ASSIGNEE:

COAXMEDIA, INC.  
1220 OAK, INDUSTRIAL LANE, SUITE B  
CUMMING, GEORGIA 30041

SERIAL NUMBER: 60226505

PATENT NUMBER:

FILING DATE: 08/21/2000

ISSUE DATE:

011652/0360 PAGE 2

JOANN STEWART, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

COPIES

04-11-2001

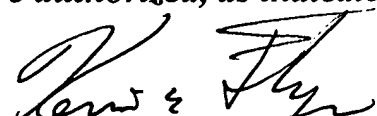


101659823

PATENT  
COPY**RECORDATION FORM COVER SHEET  
PATENTS ONLY**

<b>TO: The Commissioner of Patents &amp; Trademarks:</b> Box Assignments, Washington DC 20231		<b>Please record the attached original document(s) or copies.</b>	
<b>SUBMISSION TYPE</b>		<b>CONVEYANCE TYPE</b>	
NEW [X]		ASSIGNMENT [X]	
<b>CONVEYING PARTY(IES)</b>		number of conveying parties <u>3</u> (if more than 1)	
<b>First party</b>		<b>Execution Date</b>	
NAME (line 1) John B. Terry		Month Day Year	
NAME (line 2)		March 2, 2001	
<b>Second party</b>		<b>Execution Date</b>	
NAME (line 1) JT Laboratories LLC		Month Day Year	
NAME (line 2) a Georgia limited liability company		March 2, 2001	
<b>RECEIVING PARTY(IES)</b>		number of receiving parties _____ (if more than 1)	
<b>First Receiving Party</b>			
NAME (line 1) coaXmedia, Inc.			
NAME (line 2)			
ADDRESS (line 1) 1220 Oak Industrial Lane, Suite B			
ADDRESS (line 2)			
ADDRESS (line 3) Cumming GA 30041			
City State/Country Zip Code			
<b>Domestic Representative for first Receiving Party</b>			
NAME			
ADDRESS (line 1)			
ADDRESS (line 2)			
ADDRESS (line 3)			
ADDRESS (line 4)			
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04/10/2001 TDIAZ1 00000073 60226505			
01 FC:581 40.00 OP			

RECORDATION FORM COVER SHEET  
PATENTS ONLY PAGE 2

<b>Correspondent Name and Address</b>				
<b>Area Code and Telephone Number</b>			<b>919-544-5444</b>	
<b>NAME:</b> Kevin E. Flynn <b>ADDRESS (line 1)</b> Daniels & Daniels, P.A. <b>ADDRESS (line 2)</b> P.O. Drawer 12218 <b>ADDRESS (line 3)</b> Research Triangle Park, NC 27709 <b>ADDRESS (line 4)</b>				
<b>PAGES</b> Total number of pages of the attached conveyance document including attachments <b>11</b>				
<b>APPLICATION NUMBER(s)</b>			<b>PATENT NUMBER(s)</b>	
60226505				
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<b>PATENT COOPERATION TREATY.</b> Enter PCT application number ONLY IF a U.S. Application Number has not been assigned. PCT NUMBER				
<b>NUMBER OF PROPERTIES</b> Enter the total number of properties involved # <u>1</u>				
<b>FEE AMOUNT</b> Fee amount (\$40 x) Properties listed (37 CFR 3.41) \$ <u>40</u>				
<b>Method of Payment</b> Enclosed <u>X</u>				
<b>Deposit Account</b> _____ <b>Deposit Account Number</b>				
<b>Authorization to charge Additional Fees</b> YES <input type="checkbox"/> NO <input type="checkbox"/>				
<b>Statement and Signature</b>				
<b>Name of Person Signing</b>  Kevin E. Flynn Reg. # 37,325 Daniels & Daniels, P.A.	<i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.</i>  Signature 			<b>Date:</b> <u>03/23/2001</u>

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<b>CONVEYING PARTY(IES)</b>				
<b>Third party</b> NAME (line 1)      JT Innovations, LLC NAME (line 2)      a Georgia limited liability company				<b>Execution Date</b> Month   Day   Year March 2, 2001
<b>Fourth party</b> NAME (line 1) NAME (line 2)				<b>Execution Date</b> Month   Day   Year
<b>RECEIVING PARTY(IES)</b>				
____ Receiving Party NAME (line 1) NAME (line 2) ADDRESS (line 1) ADDRESS (line 2) ADDRESS (line 3) <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <span>City</span> <span>State/Country</span> <span>Zip Code</span> </div>				
<b>APPLICATION NUMBER(s)</b>			<b>PATENT NUMBER(s)</b>	



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DANIELS & DANIELS, P.A.  
KEVIN E. FLYNN  
P.O. DRAWER 12218  
RESEARCH TRIANGLE PARK, NC 27709



\*101659822A\*

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RECORDATION DATE: 03/26/2001

REEL/FRAME: 011652/0372  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HALES, JEFFREY A.

DOC DATE: 03/06/2001

ASSIGNEE:

COAXMEDIA, INC.  
1220 OAK INDUSTRIAL LANE, SUITE B  
CUMMING, GEORGIA 30041

SERIAL NUMBER: 60226505  
PATENT NUMBER:

FILING DATE: 08/21/2000  
ISSUE DATE:

MARY BENTON, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



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STATE OF GEORGIA

Forsyth COUNTY

I, ANDREA O'CONNOR, a Notary Public for Fulton County, Georgia,  
do hereby certify that JEFFREY HALES personally appeared before me this day and  
acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 6<sup>th</sup> day of March, 2001.

My Commission Expires March 13, 2004  
Notary Public, Fulton County, Georgia

Andrea O'Connor  
Notary Public

My commission expires: \_\_\_\_\_

\\DANIELS\_FS1\SYS\CL\0960-012\ASSIGN (Hales).doc

04-11-2001

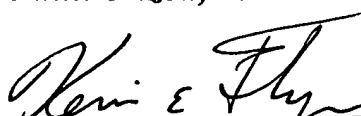
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<b>SUBMISSION TYPE</b>		<b>CONVEYANCE TYPE</b>	
NEW [X]		ASSIGNMENT [X]	
<b>CONVEYING PARTY(IES)</b>		number of conveying parties <u>1</u> (if more than 1)	
<b>First party</b> NAME (line 1) Jeffrey A. Hales NAME (line 2)		<b>Execution Date</b> Month Day Year March 6, 2001	
<b>Second party</b> NAME (line 1) NAME (line 2)		<b>Execution Date</b> Month Day Year	
<b>RECEIVING PARTY(IES)</b>		number of receiving parties _____ (if more than 1)	
<b>First Receiving Party</b> NAME (line 1) coaXmedia, Inc. NAME (line 2) ADDRESS (line 1) 1220 Oak Industrial Lane, Suite B ADDRESS (line 2) ADDRESS (line 3) Cumming GA 30041 City State/Country Zip Code			
<b>Domestic Representative for first Receiving Party</b> NAME ADDRESS (line 1) ADDRESS (line 2) ADDRESS (line 3) ADDRESS (line 4)			
04/10/2001 TDIAZ1 00000072 60226505 01 FC:581		40.00 OP	
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PATENTS ONLY PAGE 2**

<b>Correspondent Name and Address</b>				
<b>Area Code and Telephone Number</b>			<b>919-544-5444</b>	
<b>NAME:</b> Kevin E. Flynn <b>ADDRESS (line 1)</b> Daniels & Daniels, P.A. <b>ADDRESS (line 2)</b> P.O. Drawer 12218 <b>ADDRESS (line 3)</b> Research Triangle Park, NC 27709 <b>ADDRESS (line 4)</b>				
<b>PAGES</b> Total number of pages of the attached conveyance document including attachments <b>9</b>				
<b>APPLICATION NUMBER(s)</b>			<b>PATENT NUMBER(s)</b>	
60226505				
If this document is being filed with a NEW patent application , enter the date the patent application was signed by the first named executing inventor:				
<b>PATENT COOPERATION TREATY.</b> Enter PCT application number ONLY IF a U.S. Application Number has not been assigned. PCT NUMBER				
<b>NUMBER OF PROPERTIES</b> Enter the total number of properties involved # <b>1</b>				
<b>FEE AMOUNT</b> Fee amount (\$40 x) Properties listed (37 CFR 3.41) \$ <b>40</b>				
<b>Method of Payment</b> Enclosed <input checked="" type="checkbox"/>				
<b>Deposit Account</b> _____ <b>Deposit Account Number</b> _____				
<b>Authorization to charge Additional Fees</b> YES <input type="checkbox"/> NO <input type="checkbox"/>				
<b>Statement and Signature</b>				
<b>Name of Person Signing</b>  Kevin E. Flynn Reg. # 37,325 Daniels & Daniels, P.A.	<i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.</i>  Signature 			<b>Date:</b> <b>03/23/2001</b>

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Terry et al.Application No./Patent No.: 60/226,505Filed/Issue Date: August 21, 2000Entitled: Capacity Scaling and Functional Element Redistribution Within an In-building Core Cable Internet Access Systemcoaxmedia, Inc.

(Name of Assignee)

a Corporation

(Type of Assignee: e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Jeffrey A. Hales To: coaxmedia, Inc.

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2. From: John B. Terry / IT Laboratories, LLC / IT Innovations, LLC to coaxmedia, Inc.

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The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

August 20, 2001  
Date

G. Thomas Mitchell

Typed or printed name

G. Thomas Mitchell  
Signature

Chief Operating Officer

Title

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